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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Mark N. Robins

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10/31/2006

EXAMINER

NGUYEN, LUONG TRUNG

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ART UNIT

PAPER NUMBER

2622

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/073,764	<b>Applicant(s)</b> ROBINS ET AL.	
	<b>Examiner</b> LUONG T. NGUYEN	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-12,14,17 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-12,14,17 and 25-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 2, 4-12, 14, 17 and newly added claims 25-27 filed on 8/21/2006 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

2. Claims 6-7, 27 are objected to because of the following informalities:

Since claim 1 (line 2) recites limitation "a memory", Claim 6 (line 4), "a memory" should be changed to --another memory-- or --a second memory--.

Claim 27 (line 1), "said processor if further" should be changed to -- said processor further--.

Claim 7 is object as being dependent on claim 6.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 (line 1) recites limitation “said memory”; it is unclear since it is not known limitation “said memory” refers to limitation “a memory” recited in claim 1 (line 2) or limitation “a memory” recited in claim 6 (line 4).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 4-7, 9-12, 14, 17, 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al. (US 6,433,818) in view of Hunter (US 6,738,572).

Regarding claim 1, Steinberg et al. discloses an image capturing device, comprising:

a memory (Smart card for storing user access password, figure 4, column 4, lines 32-44) storing an enable state variable;

a wireless receiver (receiver 30, figure 2, column 3, lines 50-60);

a processor (processor 32, figures 2, 5, column 3, lines 50-67, column 4, line 45 – column 5, line 11) communicating with said memory and with said wireless receiver.

Steinberg et al. fails to specifically disclose said processor further being configured to disable said image capturing device for image capturing device operation in response to said wireless receiver receiving said wirelessly transmitted disable command. However, Hunter teaches an apparatus for restricting and/or prohibiting the use of a portable camera within a predetermined area, which includes a receiver 12 receives a signal transmitted from transmitter

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unit 16 to disable function of the camera (figure 1, see abstract, column 2, lines 1-19, column 4, lines 1-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Steinberg et al. by the teaching of Hunter in order to control the use of a portable camera in certain specified locations where the use of the camera is restricted or prohibited (column 1, lines 7-10, 16-20).

Regarding claim 2, Steinberg et al. discloses an input/output port capable of communicating with an external device (bus 34, 26, 38, figure 2, column 3, lines 50-67).

Regarding claims 4, 14, Steinberg et al. discloses a removable media interface (card slot 16, figure 2) and a removable medium (Smart Card, column 4, lines 33-44) plugged into said removable media interface.

Regarding claim 5, Steinberg et al. discloses a removable memory medium (Smart Card, column 4, lines 33-44).

Regarding claim 6, Steinberg et al. discloses a removable memory medium (Smart Card, column 4, lines 33-44).

Regarding claim 7, Hunter discloses storing an image capturing device identifier (the card contain code, column 5, lines 23-28), wherein said removable memory medium does not

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enable said capturing device unless said image capturing device identifier corresponds to said image capturing device (column 5, lines 17-28).

Regarding claim 9, Steinberg et al. discloses a temporary enable state variable that overrides said enable state variable when said temporary enable state variable is set to the disable state (column 4, line 45 – column 5, line 11).

Claims 10-12 are method claims of apparatus claims 1-2. Therefore, claims 10-12 are rejected for the reason given in claims 1-2.

Regarding claim 17, Steinberg et al. discloses checking a temporary state variable to see if said image capturing device is temporarily disabled, wherein image capturing operations are performed if said enable state variable is set to an enable state and if said temporary enable variable is set to an enable state (column 4, line 45 – column 5, line 11).

Regarding claim 25, Steinberg et al. discloses an image capturing device having a corresponding image capturing device identifier, said image capturing device comprising:

a first storage device (Smart card for storing user access password, figure 4, column 4, lines 32-44) storing an enable state variable;

a processor (processor 32, figures 2, 5, column 3, lines 50-67, column 4, line 45 – column 5, line 11) configured to communicate with first storage device;

Steinberg et al. fails to specifically disclose a second storage device storing an image capture device identifier, wherein said second storage device comprises a removable memory; a processor configured to determine whether said image capturing device identifier stored in said second storage device matches said image capturing device identifier that corresponds to said image capturing device, and set a state of the enable state variable to an enable state in response to determining that said image capturing device identifier stored in said second storage device matches said image capturing device identifier that corresponds to said image capturing device.

However, Hunter teaches an apparatus for restricting and/or prohibiting the use of a portable camera within a predetermined area, which includes an insertable card 104, the card 104 contains (stores) a code that will lock the camera functions unless the card has a matching code; the card acts as controlling units of activating or deactivating the functions of the camera (figure 2, column 4, lines 50-65, column 5, lines 17-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Steinberg et al. by the teaching of Hunter in order to control the use of a portable camera in certain specified locations where the use of the camera is restricted or prohibited (column 1, lines 7-10, 16-20).

Regarding claim 26, Hunter discloses a wireless receiver capable of receiving a wirelessly transmitted disable command (receiver 12, figure 1, see abstract, column 2, lines 1-19, column 4, lines 1-31).

Regarding claim 27, Hunter discloses the processor further configured to communicate with said wireless receiver, and disable said image capturing device for image for image capturing device operation in response to said wireless receiver receiving said wirelessly transmitted disable command figure 1, see abstract, column 2, lines 1-19, column 4, lines 1-31).

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al. (US 6,433,818) in view of Hunter (US 6,738,572) further in view of Limsico (US 6,662,228).

Regarding claim 8, Steinberg et al. and Hunter fail to specifically disclose a dongle, with said dongle including circuitry that enables said image capturing device. However, the use of a dongle is well known in the art as taught by Limsico (column 3, lines 1-9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Steinberg et al. and Hunter by the teaching of Limsico in order to secure a device from unauthorized access.

### *Conclusion*

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period



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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN LN  
10/29/06



DAVID OMETZ  
SUPERVISORY PATENT EXAMINER